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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,890	04/29/2005	Pablo Vilato	259061US0PCT	9754
22850	7590	05/17/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PAIK, SANG YEOP	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,890

Applicant(s)

VILATO ET AL.

Examiner

Sang Y. Paik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains extraneous word such as invention, and the abstract is not in a single paragraph. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, the recited parameters L*, a* and b* are indefinite failing to show what they are and how they are defined.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, 6, 7, 10, 11, 13, 16, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimatani et al (US 5,866,239).

Shimatani shows the glass ceramic plate for heating elements claimed including at least one enamel coating or paint provided substantially all of the upper surface of the plate, the enamel paint withstanding the temperature greater than 350 °C with a thickness .2-20 microns and having color pigments. Shimatani further shows that the glass ceramic has the claimed composition including silicon oxide, aluminum oxide, and lithium oxide; and the glass ceramic and the enamel are then subject to a ceramization heat-treatment.

With respect to claim 11, the recited haze is a property of the claimed glass ceramic that is presumed inherent. It is noted that when the structure recited in the prior art is substantially identical to that of the claims, the claimed properties or functions are presumed to be inherent.

7. Claims 1, 2, 3, 8, 11, 13, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nass et al (US 6,369,365).

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Nass shows a transparent glass ceramic plate for heating elements with at least one enamel coating or paint provided substantially all of the lower surface of the plate except for the functional areas to provide a light impermeable coating wherein the coating is dried in an oven.

With respect to claim 11, the recited haze is a property of the claimed glass ceramic that is presumed inherent. It is noted that when the structure recited in the prior art is substantially identical to that of the claims, the claimed properties or functions are presumed to be inherent.

8. Claims 1, 4, 7-11, 16, 19, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al (US 5,691,254).

Sakamoto shows the glass ceramic plate claimed including a transparent or colored glass ceramic with an enamel coating or paint applied to a surface of the plate, the enamel coating withstanding the temperature greater than 350 °C, the enamel layer being between .2 to 20 microns, and the glass ceramic plate having the claimed composition including silicon oxide, aluminum oxide, and lithium oxide exhibiting the claimed expansion coefficient.

With respect to claim 11, the recited haze is a property of the claimed glass ceramic that is presumed inherent. It is noted that when the structure recited in the prior art is substantially identical to that of the claims, the claimed properties or functions are presumed to be inherent.

With respect to claim 22, Sakamoto shows the glass ceramic includes a coloring pigment such as TiO₂ which imparts white color, and as such, it would inherently meet the recited parameters or coordinates of claim 22.

9. Claims 1-4, 6, 8, 9, 11, 14 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wennemann et al (US 7,009,150).

Wennemann shows the glass ceramic claimed including a transparent glass ceramic plate with a full surface enamel coating or paint applied on the upper and lower sides of the plate, the coating or paint has the degradation temperature greater than 350 °C, the coating capable of imparting white or milky glass ceramic which would inherently meet the claimed haze, the coating being heated at a temperature between 200-900 °C, preferably between 460-650 °C, which allows temperature variations, including by 10 to 60 °C, and which also providing underceramized glass ceramic, the display such as LED-LCD devices provided on the surfaces of the plate, and heating elements provided under the plate. With respect to claim 22, Wennemann shows the glass ceramic having white or cream in color which would inherently meet the recited parameters or coordinates of claim 22.

10. Claims 1, 4, 6, 7, 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Boury et al (US 5,326,728).

Boury shows the glass ceramic plate claimed including a colored enamel coating or painting which has a degradation temperature greater than 350 °C with a thickness less than 5 microns, and having color pigments.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nass et al (US 6,369,365) or Wennemann et al (US 7,009,150) in view of Kornbluth (US 2,843,559) or Martin et al (US 2,866,720).

Nass or Wennemann shows the glass ceramic plate claimed including the enamel coating except for silicone resin.

Kornbluth and Martin show that it is well known in the art that an enamel material contains silicone resin as the binder or vehicle solvent. In view of Kornbluth or Martin, it would have been obvious to one of ordinary skill in the art to adapt Nass or Wennemann with the enamel material provided with the silicone resin as the binder or vehicle solvent to provide a vitreous layer that can be effectively adhered to a base surface including the glass ceramic.

13. Claims 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boury et al (US 5,326,728) in view of Pinckney (US 5,968,857) or Beall et al (US 6,124,223).

Boury shows the glass ceramic plate claimed except the plate comprises a transparent glass ceramic that is also underceramized.

Pinckney or Beall shows a well known transparent glass ceramic that is underceramized or crystallized at the temperature of 850-1050 °C. Pinckney and Beall also show the glass ceramic having the claimed composition of claim 10.

It would have been obvious to one of ordinary skill in the art to adapt Boury with the glass ceramic of Pinckney or Beall having the underceramized transparent glass ceramic that can provide a high thermal resistance glass ceramic.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nass et al (US 6,369,365) in view of Krause et al (US 6,914,223) or Pourmey (US 4,833,288).

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Nass shows the glass ceramic plate claimed except the underlying induction heating elements.

Krause and Poumey show that it is well known in the art that the induction-heated cooking surfaces are provided with the transparent glass ceramic plates. In view of Krause or Poumey, it would have been obvious to one of ordinary skill in the art to adapt Nass with the induction heaters as another alternative heating means to provide with the cooking surface.

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nass et al (US 6,369,365) in view Mewissen (US 4,902,876).

Nass shows the glass ceramic plate claimed except showing the plate being mounted to an insulating support.

Mewissen shows a glass ceramic plate being supported on an insulating support without an intermediate complex intended for masking the inside the device. in view of Mewissen, it would have been obvious to one of ordinary skill in the art to adapt Nass with an insulating support to allow the heating elements to better provide a more concentrated cooking surfaces on the glass ceramic plate without.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sang Y Paik
Primary Examiner
Art Unit 3742

syp